

AMENDED IN SENATE AUGUST 10, 2010
AMENDED IN ASSEMBLY MAY 28, 2010
AMENDED IN ASSEMBLY MARCH 15, 2010
CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1899

**Introduced by Assembly Member Eng
(Coauthor: Assembly Member Lieu)**

February 16, 2010

An act to add Sections 11004.4, 11004.5, 11004.6, and 11004.7 to the Government Code, relating to state agencies.

LEGISLATIVE COUNSEL'S DIGEST

AB 1899, as amended, Eng. State agencies: information: Internet Web site.

Existing law requires, subject to specific exemptions, public records to be open to public inspection.

This bill would require the office of the State Chief Information Officer to create and maintain a Reporting Transparency in Government Internet Web site, as prescribed. This bill would require, subject to specific exemptions, state agencies to post specified audits to that Internet Web site. This bill would require the Department of General Services ~~and~~, the office of the State Chief Information Officer, *and other state agencies* to post specified summary data regarding contracts awarded by the state to that Internet Web site. This bill would also require the office of the Governor to post specified financial statements and reports to that Internet Web site. *The bill would exempt certain constitutional officers from the requirement of posting the information to the Reporting Transparency in Government Internet Web site, if that*

officer posts the required information to his or her official Internet Web site, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Transparency is fundamental to promoting efficiency and
4 effectiveness in state government and strengthening the democratic
5 process by giving citizens enough information to reach their own
6 conclusions about how their tax dollars are being spent.

7 (b) Audits of state agencies and their operations can provide
8 objective and measurable performance reviews and identify and
9 correct inefficient or wasteful practices.

10 (c) Californians seeking information on state governmental
11 operations are often frustrated because a myriad of oversight
12 entities perform audits of state agencies, and the information can
13 be difficult to access due to the lack of a Web-based, central
14 inventory of audits.

15 (d) Many internal audits that state agencies perform on their
16 own operations are finalized but never made public.

17 (e) Billions of dollars in state contracts are entered into each
18 year to purchase goods and services for the people of California,
19 and posting *summary data regarding* contracts on the Internet is
20 an effective way to help ensure that taxpayers are getting the best
21 value and services are being provided in an efficient manner.

22 (f) The Legislature's continuing commitment to promoting
23 transparency in state government is especially critical while
24 California's economy continues to struggle.

25 SEC. 2. Section 11004.4 is added to the Government Code, to
26 read:

27 11004.4. (a) The office of the *State* Chief Information Officer,
28 or its successor, shall create and maintain a Reporting Transparency
29 in Government Internet Web site for the purposes described in
30 Sections 11004.5, 11004.6, and 11004.7.

31 (b) In addition to the information required pursuant to Sections
32 11004.5, 11004.6, and 11004.7, the Reporting Transparency in
33 Government Internet Web site shall also include instructions for

1 the public that describe how a person may obtain more detailed
2 information for a contract.

3 (c) (1) *The Lieutenant Governor, Attorney General, Secretary*
4 *of State, Treasurer, or Controller is not required, pursuant to*
5 *Sections 11004.5 and 11004.6, to post information to the Reporting*
6 *Transparency in Government Internet Web site, if that officer posts*
7 *the information required by those sections on his or her official*
8 *Internet Web site.*

9 (2) *If the officer, acting pursuant to paragraph (1), determines*
10 *that information in a contract is exempt from disclosure pursuant*
11 *to the California Public Records Act (Chapter 3.5 (commencing*
12 *with Section 6250) of Division 7 of Title 1), then the officer shall*
13 *post the following information on his or her official Internet Web*
14 *site:*

15 (A) *The contract number.*

16 (B) *The phrase “CPRA exemption claimed.”*

17 (C) *Other identifying information sufficient to enable a person*
18 *to submit a request for the information pursuant to the California*
19 *Public Records Act, for purposes of testing the exemption claimed*
20 *for the information.*

21 (3) *If an officer listed in paragraph (1) chooses, pursuant to*
22 *this subdivision, to post the required information to his or her*
23 *official Internet Web site, then the State Chief Information Officer*
24 *shall provide a clearly labeled link to that Internet Web site on the*
25 *Reporting Transparency in Government Internet Web site.*

26 SEC. 3. Section 11004.5 is added to the Government Code, to
27 read:

28 11004.5. (a) On or before February 15, 2011, a state agency
29 shall post to the state’s Reporting Transparency in Government
30 Internet Web site every audit of its operations finalized from
31 January 1, 2008, to December 31, 2010, inclusive.

32 (b) Within 15 calendar days of finalization, a state agency shall
33 post to the state’s Reporting Transparency in Government Internet
34 Web site every audit of its operations finalized from January 1,
35 2011, and forward.

36 (c) For purposes of this section, “audit” shall mean any review
37 or evaluation performed by a state agency on itself or by another
38 entity, including, but not limited to, the Bureau of State Audits,
39 the Controller, the Department of Finance, a federal agency with
40 oversight responsibility of the operations of the state agency, or

1 any other nongovernmental organization that monitors or oversees
2 the state agency and that has received public funds.

3 (d) The Department of General Services and the office of the
4 State Chief Information Officer shall assist a state agency to
5 comply with the requirements of this section.

6 (e) This section shall not require the posting of information in
7 an audit, including the identity of any undisclosed expert
8 consultant, that is confidential pursuant to a court order, the
9 ~~attorney-client~~ *attorney-client* privilege, or the attorney work
10 product exception; or information; that, if posted, would jeopardize
11 peace officer safety, criminal intelligence information, ongoing
12 investigatory activities, or any security procedure; or any
13 information the disclosure of which is prohibited by law. Nothing
14 in this section shall be construed to limit the rights of the public
15 to access information pursuant to the California Public Records
16 Act (Chapter 3.5 (commencing with Section 6250) of Division 7
17 of Title 1), or Section 3 of Article I of the California Constitution.
18 Any information withheld from posting shall be replaced with the
19 phrase, "CPRA exemption claimed."

20 SEC. 4. Section 11004.6 is added to the Government Code, to
21 read:

22 11004.6. (a) On or before February 15, 2011, the Department
23 of General Services and the office of the State Chief Information
24 Officer shall post summary data regarding any contract awarded
25 by the state on or after March 31, 2009, valued at five thousand
26 dollars (\$5,000) or more to the state's Reporting Transparency in
27 Government Internet Web site. For purposes of this section,
28 summary data regarding a contract shall include, but not be limited
29 to, the following:

- 30 (1) The department name.
- 31 (2) The contract or order number.
- 32 (3) The total price.
- 33 (4) The contract start and termination dates.
- 34 (5) The supplier name.
- 35 (6) Any special instructions.
- 36 (7) The supplier classification codes.
- 37 (8) The acquisition type.
- 38 (9) The acquisition method.
- 39 (10) The item total.
- 40 (11) The quantity.

1 (12) The description.

2 (13) The classification codes.

3 (b) Within 15 calendar days of signing by all parties to the
4 contract, a state agency shall post to the state's Reporting
5 Transparency in Government Internet Web site *summary data*
6 *regarding* any contract it awarded from January 1, 2011, and
7 forward that is valued at five thousand dollars (\$5,000) or more.

8 (c) The Department of General Services and the office of the
9 State Chief Information Officer shall assist a state agency to
10 comply with the requirements of this section.

11 (d) This section shall not require the posting of information in
12 a contract, including the identity of any undisclosed expert
13 consultant, that is confidential pursuant to a court order, the
14 ~~attorney-client~~ *attorney-client* privilege, or the attorney work
15 product exception; or information; that, if posted, would jeopardize
16 peace officer safety, criminal intelligence information, ongoing
17 investigatory activities, or any security procedure; or any
18 information the disclosure of which is prohibited by law. Nothing
19 in this section shall be construed to limit the rights of the public
20 to access information pursuant to the California Public Records
21 Act (Chapter 3.5 (commencing with Section 6250) of Division 7
22 of Title 1), or Section 3 of Article I of the California Constitution.
23 Any information withheld from posting shall be replaced with the
24 phrase, "CPRA exemption claimed."

25 SEC. 5. Section 11004.7 is added to the Government Code, to
26 read:

27 11004.7. The office of the Governor shall post every statement
28 of economic interest and travel and expense report of its ~~staff,~~
29 ~~agency secretaries, department heads, and any official under the~~
30 ~~direct supervision of the Governor to the Reporting Transparency~~
31 *senior staff and deputies, agency secretaries and undersecretaries,*
32 *and department directors to the Reporting Transparency* in
33 Government Internet Web site.